

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at 40 Foley Square, in the City of New York, on the 23<sup>rd</sup> day of February, two thousand fifteen.

Present:        ROBERT A. KATZMANN,  
   *Chief Judge,*  
                 DENNIS JACOBS,  
                 GUIDO CALABRESI, \*  
                 JOSÉ A. CABRANES,  
                 ROSEMARY S. POOLER,  
                 REENA RAGGI,  
                 RICHARD C. WESLEY,  
                 PETER W. HALL,  
                 DEBRA ANN LIVINGSTON,  
                 GERARD E. LYNCH,  
                 DENNY CHIN,  
                 RAYMOND J. LOHIER, JR.,  
                 SUSAN L. CARNEY,  
                 CHRISTOPHER F. DRONEY,  
   *Circuit Judges.*

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KARINA GARCIA, as Class Representative on behalf of herself and others similarly situated, YARI OSORIO, as Class Representative on behalf of herself and others similarly situated, BENJAMIN BECKER, as Class Representative on behalf of himself and others similarly situated, CASSANDRA REGAN, as Class Representative on behalf of herself and others similarly situated, YAREIDIS PEREZ, as Class Representative on behalf of herself and others similarly situated, TYLER SOVA, as Class Representative on behalf of himself and others similarly situated, STEPHANIE JEAN UMOH, as Class Representative on behalf of herself and others similarly situated, MICHAEL CRICKMORE, as Class Representative on behalf of himself and others similarly situated, BROOKE FEINSTEIN, as Class Representative on behalf of herself and others similarly situated,

*Plaintiffs-Appellees,*

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\* Senior Circuit Judge Guido Calabresi was a member of the initial three-judge panel that heard this appeal and is therefore eligible to participate in *in banc* rehearing. See 28 U.S.C. § 46 (c)(1).

MARCEL CARTIER, as Class Representative on behalf of himself and others similarly situated,

*Plaintiff,*

v.

No. 12-2634-cv

JANE AND JOHN DOES 1-40, Individually and in their official capacities,

*Defendants-Appellants,*

RAYMOND W. KELLY, Individually and in his official capacity, CITY OF NEW YORK,

MICHAEL R. BLOOMBERG, in his official capacity and Individually,

*Defendants.*

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For Plaintiffs-Appellees:

Mara Verheyden-Hillard (Andrea Hope Costello and Carl Messineo, *on the brief*), Partnership for Civil Justice Fund, Washington, DC

For Defendants-Appellants:

Ronald E. Sternberg, Assistant Corporation Counsel (Leonard Koerner and Arthur G. Larkin, Assistant Corporation Counsel, *on the brief*), for Zachary W. Carter, Corporation Counsel of the City of New York, New York, NY

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The Court voted to rehear this appeal *in banc* on December 17, 2014. However, in light of the amended panel opinion that will be issued today, *see Garcia v. Does 1-40*, \_\_\_ F.3d \_\_\_ (2d Cir. 2015), this case no longer warrants consideration by the *in banc* Court. The *in banc* Court is hereby dissolved. The *in banc* Court, having determined that the case is no longer worthy of rehearing *in banc*, and having therefore dissolved itself, takes no position on the opinion of the panel.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, CLERK

A circular official seal of the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".